

GP- 1772

#11  
3-20-99

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory M. Fehn )  
)  
Serial No: 8/917,044 ) Group Art Unit 1772  
)  
Filed: August 19, 1997 ) Examiner Charles R. Nold  
)  
For: CONTAINER WITH )  
RECYCLED PLASTIC )

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MAR 19 1999

**RESPONSE**

**GROUP 1700** In response to the February 12, 1999, Office action, please consider further the subject application in light of the following:

The referenced Office action required an election of species. Claims 1 to 22 utilizes polypropylene; Claims 23 to 43 recite EVOH; and Claims 44 to 59 relate to fluorinated polyethylene. In response to this requirement, Applicant selects the EVOH species, which presently includes Claims 23 to 43, for present prosecution. Moreover, he does so with traverse.

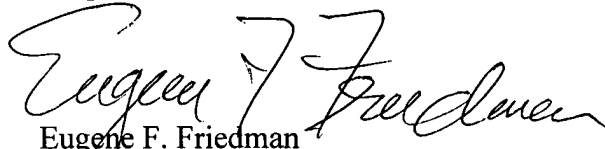
Utilizing any of the recited chemical moieties as at least a partial barrier to the migration of contaminants from a post-consumer recycled polyethylene into a container's interior that may hold edibles for humans would appear related. More importantly, the search for one would appear to lie in the same class/subclass location as for the others. Accordingly, Applicant respectfully urges a reconsideration and removal of the election requirement.

Applicant expresses his sincere appreciation to Examiner Nold for the courtesies extended to his undersigned attorney during a personal interview held on February 4, 1999. At that time, Examiner Nold had just received the responsibility for handling the present Application. Accordingly, the interview had the purpose of providing background information on Applicant's invention and the present application. The interview did not delve deeply into the application's substance.

The present paper timely responds to the February 12, 1999, Office action. Accordingly, no extension fee would appear to be required. However, should this prove

incorrect, then any required extension fee may be charged to Deposit Account 06-2135 of the undersigned attorney.

Respectfully submitted,



Eugene F. Friedman  
Attorney for Applicant  
Reg. No. 25,627

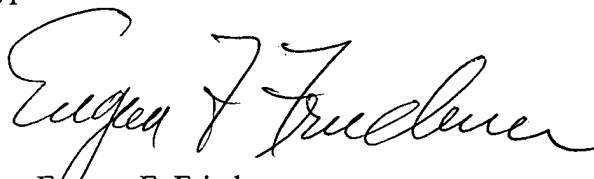
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Dated: March 11, 1999

#### **CERTIFICATE OF MAILING**

I certify that this correspondence is being deposited with the U. S. Postal Service as first class mail in an envelope with sufficient postage and addressed to:

The Assistant Commissioner for Patents  
Washington, D.C. 20231

on March 11, 1999

  
Eugene F. Friedman

Ser. No. 8/917,044